



April 1, 2003

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## ENGROSSED SENATE BILL No. 227

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DIGEST OF SB 227 (Updated March 31, 2003 4:41 PM - DI 107)

**Citations Affected:** IC 31-9; IC 31-34.

**Synopsis:** Foster parents and juvenile proceedings. Entitles a long term foster parent to intervene as a party in a proceeding for the periodic review of a dispositional decree involving a child in need of services.

**Effective:** July 1, 2003.

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### Long, Sipes, Ford, Dillon

(HOUSE SPONSORS — KLINKER, DUNCAN, GRUBB, BUDAK)

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January 9, 2003, read first time and referred to Committee on Judiciary.  
February 27, 2003, reported favorably — Do Pass.  
March 3, 2003, read second time, ordered engrossed. Engrossed.  
March 4, 2003, read third time, passed. Yeas 37, nays 11.

#### HOUSE ACTION

March 13, 2003, read first time and referred to Committee on Judiciary.  
March 31, 2003, amended, reported — Do Pass.

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ES 227—LS 6736/DI 105+



April 1, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED SENATE BILL No. 227

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 31-9-2-76.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2003]: **Sec. 76.5. "Long term foster parent", for purposes of**  
4 **IC 31-34-21-4 and IC 31-34-21-4.6, has the meaning set forth in**  
5 **IC 31-34-21-4.6(a).**
- 6 SECTION 2. IC 31-34-21-4, AS AMENDED BY P.L.217-2001,  
7 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2003]: Sec. 4. (a) Except as provided in subsection (f), at least  
9 ten (10) days before the periodic case review, including a case review  
10 that is a permanency hearing under section 7 of this chapter, the county  
11 office of family and children shall send notice of the review to each of  
12 the following:
- 13 (1) The child's parent, guardian, or custodian.
  - 14 (2) An attorney who has entered an appearance on behalf of the  
15 child's parent, guardian, or custodian.
  - 16 (3) A prospective adoptive parent named in a petition for adoption  
17 of the child filed under IC 31-19-2 if:

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- 1 (A) each consent to adoption of the child that is required under  
 2 IC 31-19-9-1 has been executed in the form and manner  
 3 required by IC 31-19-9 and filed with the county office of  
 4 family and children;  
 5 (B) the court having jurisdiction in the adoption case has  
 6 determined under any applicable provision of IC 31-19-9 that  
 7 consent to adoption is not required from a parent, guardian, or  
 8 custodian; or  
 9 (C) a petition to terminate the parent-child relationship  
 10 between the child and any parent who has not executed a  
 11 written consent to adoption under IC 31-19-9-2 has been filed  
 12 under IC 31-35 and is pending.  
 13 (4) Any other person who:  
 14 (A) the county office of family and children has knowledge is  
 15 currently providing care for the child; and  
 16 (B) is not required to be licensed under IC 12-17.2 or  
 17 IC 12-17.4 to provide care for the child.  
 18 (5) Any other suitable relative or person who the county office  
 19 knows has had a significant or caretaking relationship to the child.  
 20 (b) At least ten (10) days before the periodic case review, including  
 21 a case review that is a permanency hearing under section 7 of this  
 22 chapter, the county office of family and children shall provide notice  
 23 of the review to the child's foster parent **or long term foster parent** by:  
 24 (1) certified mail; or  
 25 (2) face to face contact by the county office of family and children  
 26 caseworker.  
 27 (c) The court shall provide to a person described in subsection (a)  
 28 or (b) an opportunity to be heard and to make any recommendations to  
 29 the court in a periodic case review, including a permanency hearing  
 30 under section 7 of this chapter. The right to be heard and to make  
 31 recommendations under this subsection includes: ~~the right of a person~~  
 32 ~~described in subsection (a) or (b) to submit a written statement to the~~  
 33 ~~court that, if served upon all parties to the child in need of services~~  
 34 ~~proceeding and the persons described in subsections (a) and (b), may~~  
 35 ~~be made a part of the court record:~~  
 36 (1) **the right of a person described in subsection (a) or (b) to**  
 37 **submit a written statement to the court that, if served upon all**  
 38 **parties to the child in need of services proceeding and the**  
 39 **persons described in subsection (a) or (b), may be made a part**  
 40 **of the court record; and**  
 41 (2) **the right to present oral testimony to the court and cross**  
 42 **examine any of the witnesses at the hearing.**



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(d) Except as provided in subsection (f), this section does not exempt the county office of family and children from sending a notice of the review to each party to the child in need of services proceeding.

(e) The court shall continue the review if, at the time of the review, the county office of family and children has not provided the court with signed verification from the child's foster parent **or long term foster parent**, as obtained through subsection (b), that the foster parent **or long term foster parent**, has been notified of the review at least five (5) business days before the review. However, the court is not required to continue the review if the child's foster parent **or long term foster parent** appears for the review.

(f) If the parent of an abandoned child does not disclose the parent's name as allowed by IC 31-34-2.5-1(c), the parent is not required to be notified of a proceeding described in subsection (a).

SECTION 3. IC 31-34-21-4.5, AS ADDED BY P.L.133-2000, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) Except as provided in subsection (b) a foster parent, **long term foster parent, or a person who has been a foster parent** may petition the court to request intervention as a party to a proceeding described in this chapter.

(b) A foster parent who has been:

(1) the subject of a substantiated report of child abuse or neglect;  
or

(2) convicted of a felony listed in IC 12-17.4-4-11;  
may not petition the court to intervene under this section.

(c) A court may grant a petition filed under this section if the court determines that intervention of the petitioner is in the best interests of the child.

SECTION 4. IC 31-34-21-4.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4.6. As used in this section, "long term foster parent" means a foster parent who has provided care and supervision for a child for at least:**

**(1) the twelve (12) most recent months; or**

**(2) fifteen (15) months of the most recent twenty-two (22) months.**

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SENATE MOTION

Mr. President: I move that Senator Clark be removed as second author of Senate Bill 227.

CLARK

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 227, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 227 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 3.

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## SENATE MOTION

Mr. President: I move that Senator Sipes be added as second author and Senators Ford and Dillon be added as coauthors of Engrossed Senate Bill 227.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 227, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "of" insert "**IC 31-34-21-4 and**".

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 31-34-21-4, AS AMENDED BY P.L.217-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) Except as provided in subsection (f), at least ten (10) days before the periodic case review, including a case review that is a permanency hearing under section 7 of this chapter, the county office of family and children shall send notice of the review to each of the following:

- (1) The child's parent, guardian, or custodian.
- (2) An attorney who has entered an appearance on behalf of the child's parent, guardian, or custodian.
- (3) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:

(A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the county office of family and children;

(B) the court having jurisdiction in the adoption case has determined under any applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or

(C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2 has been filed under IC 31-35 and is pending.

- (4) Any other person who:

(A) the county office of family and children has knowledge is currently providing care for the child; and

(B) is not required to be licensed under IC 12-17.2 or IC 12-17.4 to provide care for the child.

- (5) Any other suitable relative or person who the county office knows has had a significant or caretaking relationship to the child.

(b) At least ten (10) days before the periodic case review, including a case review that is a permanency hearing under section 7 of this chapter, the county office of family and children shall provide notice of the review to the child's foster parent **or long term foster parent** by:

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(1) certified mail; or

(2) face to face contact by the county office of family and children caseworker.

(c) The court shall provide to a person described in subsection (a) or (b) an opportunity to be heard and to make any recommendations to the court in a periodic case review, including a permanency hearing under section 7 of this chapter. The right to be heard and to make recommendations under this subsection includes: ~~the right of a person described in subsection (a) or (b) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsections (a) and (b), may be made a part of the court record:~~

**(1) the right of a person described in subsection (a) or (b) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsection (a) or (b), may be made a part of the court record; and**

**(2) the right to present oral testimony to the court and cross examine any of the witnesses at the hearing.**

(d) Except as provided in subsection (f), this section does not exempt the county office of family and children from sending a notice of the review to each party to the child in need of services proceeding.

(e) The court shall continue the review if, at the time of the review, the county office of family and children has not provided the court with signed verification from the child's foster parent **or long term foster parent**, as obtained through subsection (b), that the foster parent **or long term foster parent**, has been notified of the review at least five (5) business days before the review. However, the court is not required to continue the review if the child's foster parent **or long term foster parent** appears for the review.

(f) If the parent of an abandoned child does not disclose the parent's name as allowed by IC 31-34-2.5-1(c), the parent is not required to be notified of a proceeding described in subsection (a).".

Page 1, line 7, delete "and".

Page 1, line 8, delete "section 4.6 of this chapter,".

Page 1, line 8, delete "parent" and insert "parent, **long term foster parent, or a person who has been a foster parent**".

Page 2, line 4, delete "(a)".

Page 2, delete lines 10 through 18.

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Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to SB 227 as printed February 28, 2003.)

LAWSON L, Chair

Committee Vote: yeas 11, nays 0.

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